



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Pisano et al.

Serial No.: 09/921,117

For: METHOD AND SYSTEM OF USING AN ELECTRONIC  
NETWORK TO PROVIDE OPTIONS TO PURCHASE GOODS  
OR SERVICES THROUGH A RETAILER

Filed: August 2, 2001

Examiner: Duran, A. D.

Art Unit: 3622

Confirmation No.: 7072

Customer No.: 27623 Attorney Docket No.: 2106.002USU

**PETITION UNDER 37 CFR 1.81 AND 37 CFR 8 TO WITHDRAW HOLDING OF  
ABANDONMENT**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

It is respectfully requested that the Notice of Abandonment dated January 9, 2006 be withdrawn for the reasons set forth below.

This petition, being mailed with a Certificate of Mailing on February 16, 2006, is timely filed within two (2) months of the date of the Notice of Abandonment.

The Notice of Abandonment states that the application is held abandoned in view of Applicant's failure to timely reply to the Office Action dated July 7, 2004.

In accord with 37CFR 8 (b) (1), the Office is informed that Applicants mailed correspondence to the Office on December 7, 2004 that constituted a reply to the Office Action.

In accord with 37 CFR 8 (b) (2), a true copy of the aforementioned correspondence is supplied herewith. This correspondence consists of:

1. Amendment signed by Applicant's attorney and dated December 7, 2004.
2. Amendment transmittal that is signed by Applicant's attorney and dated December 7, 2004.
3. Check no. 13864 of Applicant's attorney.
4. Postal card receipt for documents 1, 2 and 3.

Applicants submit that this correspondence was filed on December 7, 2004.

In support, Applicants additionally supply herewith the following:

5. Statement under 37 CFR 8 (b) (3) of Joanne A. Romaniello.
6. Copy of Statement of the bank on which check no. 13964 is drawn.
7. Docket Sheet of Applicant's attorney's docketing system for the subject application.

The Amendment was filed with an Amendment Transmittal (document 2), a Check No. 13864 (document 3) to cover a two months extension of time to reply, and a postal card receipt (document 4). The Amendment states at page 1 that "the time for response has been extended by two months to December 7, 2004 by an accompanying petition". The Amendment Transmittal includes a Petition for extension of time for two months to "February 7, 2004", which date is

an obvious typographical error as the time for reply to the Office Action of July 7, 2004 with an extension of two months is clearly December 7, 2004 as stated at page 1 of the Amendment.

The Amendment Transmittal states that Check No. 13864 in the amount of \$430.00 is enclosed to cover the two months extension of time. As shown by documents 3 and 6, Check No. 13864 (i) is payable to the Commissioner of Patents in the amount of \$430.00, (ii) references Docket No. 2106.002USU of applicants' attorney, which corresponds to the above noted patent application, and (iii) bears clearing dates of 12-10-2004 and 12-13-2004.

The Amendment Transmittal also includes a Certificate of Mailing that is duly signed and dated December 7, 2004 and that certifies that the "correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 7, 2004".

In accord with 37 CFR 8 (b) (3), the Statement of Joanne A. Romaniello Under 37 CFR 8 (document 5) is offered. In the Statement, Joanne A. Romaniello states that she entered the Certificate of Mailing date of December 7, 2004 into the docketing system of Applicants' attorney on December 7, 2004 or on December 8, 2004 (the next business day). The so entered December 7, 2004 date is shown in the Actions Taken column of the Docket Sheet (document 7) in the same row as the entry "RESP TO OA + 2 MO FEE". Thus, the Certificate of Mailing Date is corroborated by the Statement of Joanne A. Romaniello Under 37 CFR 8 and by its entry into the docketing system of Applicants' attorney. Therefore, it is submitted that the Statement of Joanne A. Romaniello Under 37 CFR 8 clearly establishes that the Amendment was filed on December 7, 2004.

For the reason set forth above, it is respectfully requested that the holding of abandonment be withdrawn and that the Amendment be given a received in the Office date of December 7, 2004.

In the event it is deemed that the Amendment was not filed on December 7, 2005, it is submitted that the Amendment was duly filed on December 10, 2004.

In support, Applicants supply the following additional documents:

8. Postal card receipt for documents 1, 2 and 3 stamped by the USPTO date stamp with a receipt date of December 10, 2004.
9. Copy of the Transaction History screen print from the Public Pair system dated 01/27/2006.

The postal card receipt (documents 4 and 8) identifies the above noted patent application by Serial No. 09/921,117 and filing date August 2, 2001, the Amendment, the Amendment Transmittal, the Request for Extension of Time and check no. 13864. The postal card also bears the date of "DEC 10 2004" imprinted thereon by the date stamp of the U.S. Patent and Trademark Office. Thus, the postal card is prima facie evidence that the Amendment was filed on December 10, 2004. See MPEP 503, Rev. 3, August 2005, at page 500-22.

With respect to any additional fee needed as of December 10, 2004 to extend the time for reply for another month to January 7, 2004, it is noted that the Amendment Transmittal included an authorization "to charge any additional fees under 37 CFR 1.16 and 1.117 which may be required with this communication or during the pendency of the application, or credit any overpayment, to Deposit Account No. 01-0467" of Applicants' attorney. It is submitted that this authorization allows the U.S. Patent and Trademark Office to charge an additional month of extension fee to such account.

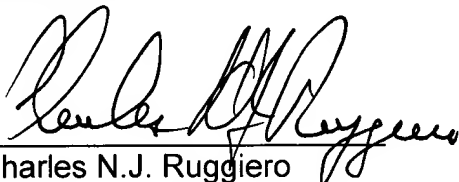
Moreover, the Transaction History screen print from the Public Pair system (document 9) for the above noted application has an entry dated 12-10-2004 for "workflow incoming amendment". It is submitted that this entry is for the Amendment.

Should this Petition be granted based on a date of receipt of the Amendment on December 10, 2004, any additional fee needed to extend the time for reply for another month to January 7, 2004, is authorized to be charged to Deposit Account No. 01-0467 of Applicants' attorney by the authorization in the transmittal document of this petition.

For the reason set forth above, it is respectfully requested that the holding of abandonment be withdrawn and that the Amendment be given a received in the Office date of December 10, 2004.

Respectfully Submitted,

Date: Feb 16, 2006



Charles N.J. Ruggiero  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Pisano et al.  
Serial No.: 09/921,117  
For: METHOD AND SYSTEM OF USING AN ELECTRONIC  
NETWORK TO PROVIDE OPTIONS TO PURCHASE GOODS  
OR SERVICES THROUGH A RETAILER  
Filed: August 2, 2001  
Examiner: Duran, A. D.  
Art Unit: 3622  
Confirmation No.: 7072  
Customer No.: 27623 Attorney Docket No.: 2106.002USU

**AMENDMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the first Office Action dated July 7, 2004, for which the time for response has been extended by two months to December 7, 2004 by an accompanying petition, please amend the above patent application as follows:

## **IN THE CLAIMS**

1. (Currently amended) A method of providing a consumer with a shopping incentive comprising:

(a) determining a plurality of fixed price options to purchase goods/services offered by a plurality of stores;

(b) presenting a web page to a terminal used by said consumer wherein the web page contains one or more of said plurality of options;

(c) establishing an identity of said consumer; and

(d) presenting said selected option and said consumer identity to said selected store in response to said consumer selecting, via said terminal, one of said plurality of options and one of said plurality of stores; and

(e) as said shopping incentive, adjusting the fixed price of one of said plurality of options if requested by one of said plurality of stores that offers said one option whose price is being adjusted.

2. (Canceled).

3. (Original) The method of claim 1, wherein step (a) determines the fixed prices of said plurality of options from inventory data of said plurality of stores and other data deemed relevant by said plurality of stores.

4. (Original) The method of claim 3, wherein said other data includes information concerning previously selected options of said consumer.

5. (Original) The method of claim 4, wherein said other data includes stores where said consumer has previously purchased goods/services.

6. (Original) The method of claim 3, wherein said other data includes marketing goals of said plurality of stores.

7. (Original) The method of claim 1, further comprising (f) determining a reimbursement to said selected store in response to receipt from said selected store of information identifying an exercise of said selected option by said consumer including the option price and a then prevailing price.

8. (Original) The method of claim 1, wherein at least one of said plurality of options is offered by a supplier of said goods/services.

9. (Original) The method of claim 8, wherein said supplier is a manufacturer of one of said goods/services.

10. (Original) The method of claim 1, further comprising (g) establishing a correlation between said plurality of options and one or more purchase transactions that use said plurality of options, and wherein step (a) determines additional options based on said correlation.

11. (Currently amended) A system that provides a consumer with a shopping incentive, said system comprising:

an application server that presents web pages to a consumer via the Internet;

wherein said application server includes a program that performs the steps of:



(a) determining a plurality of fixed price options to purchase goods/services offered by a plurality of stores;

(b) presenting a web page to a terminal used by said consumer, wherein the web page contains one or more of said plurality of options;

(c) establishing an identity of said consumer; and

(d) presenting said selected option and said consumer identity to said selected store in response to said consumer selecting, via said terminal, one of said plurality of options and one of said plurality of stores; and

(e) as said shopping incentive, adjusting the fixed price of one of said plurality of options if requested by one of said plurality of stores that offers said one option whose price is being adjusted.

12. (Currently amended) The system of claim 4211, wherein said program further comprises the step of (ef) determining a reimbursement to said selected store in response to receipt from said selected store of information identifying an exercise of said selected option by said consumer including the option price and a then prevailing price.

13. (Currently amended) The system of claim 11, wherein said program further comprises the step of (fg) establishing a correlation between said plurality of options and purchase transactions that use said plurality of options, and wherein step (a) determines additional options based on said correlation.

14. (Original) The system of claim 11, wherein step (a) determines the fixed prices of said plurality of options from inventory data of said plurality of stores and other data deemed relevant by said plurality of stores.

15. (Original) The system of claim 14, wherein said other data includes information concerning previously selected options of said consumer.
16. (Original) The system of claim 15, wherein said other data includes stores where said consumer has previously purchased goods/services.
17. (Original) The system of claim 14, wherein said other data includes marketing goals of said plurality of stores.
18. (Original) The system of claim 11, wherein at least one of said plurality of options is offered by a supplier of said goods/services.
19. (Original) The system of claim 18, wherein said supplier is a manufacturer of one of said goods/services.
20. (Currently amended) A computer readable medium that includes executable instructions for performing the steps that comprise:
- (a) determining a plurality of fixed price options to purchase goods/services offered by a plurality of stores;
  - (b) presenting a web page to a terminal used by said consumer wherein the web page contains one or more of said plurality of options;
  - (c) establishing an identity of said consumer; and
  - (d) presenting said selected option and said consumer identity to said selected store in response to said consumer selecting, via said terminal, one of said plurality of options and one of said plurality of stores; and

(e) as said shopping incentive, adjusting the fixed price of one of said plurality of options if requested by one of said plurality of stores that offers said one option whose price is being adjusted.

## REMARKS

Claims 1 and 3 through 20 are pending in the application. Claims 1, 11 through 13 and 20 have been amended. Claim 2 has been canceled without prejudice or disclaimer. Reconsideration of this application is respectfully requested.

The Office Action objects to claim 12 because of dependency on itself. Claim 12 has been amended to depend from claim 11. Accordingly, it is submitted that the objection of claim 12 is obviated by the amendment.

The Office Action rejects claims 1, 2, 7, 8, 11, 12, 18 and 20 under 35 U.S.C 103(a) as unpatentable over U.S. Patent No. 5,890,137 to Koreeda, hereafter Koreeda. This rejection is moot as to claim 2, which has been canceled.

Independent claims 1, 11 and 20 have been amended to recite the following step:

(e) as said shopping incentive, adjusting the fixed price of one of said plurality of options if requested by one of said plurality of stores that offers said one option whose price is being adjusted.

This step, without "as said shopping incentive", was in canceled claim 2.

Koreeda discloses an on-line shopping mall system in which leakage of credit card data is prevented by using a settlement network that is different than the on-line shopping network. The Examiner references column 2, lines 40 through 44, and Fig. 5 for support of the allegation that Koreeda discloses step (e) of amended claim 1 (canceled claim 2). However, the passage at column 2,

lines 40 through 44, merely refers to a store system for memorizing product data and providing a shopping mall for products via a shopping mall network. This passage does not disclose or teach a shopping incentive of adjusting the fixed price of one of the options if requested by the offering store, as recited in step (e) of amended independent claims 1, 11 and 20.

Koreeda's Fig. 5 also does not support the Examiner's allegation. Fig. 5 shows an example of a product list screen 31 for shopping mall A as described at column 7, beginning at line 25. Fig. 5 and column 7 contain no disclosure or teaching of a shopping incentive of adjusting the fixed price of one of the options if requested by the offering store, as recited in step (e) of amended independent claims 1, 11 and 20.

For the reasons set forth above, it is submitted that the rejection of claims 1, 7, 8, 11, 12, 18 and 20 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

The Office Action rejects claims 3 and 14 under 35 U.S.C 103(a) as unpatentable over Koreeda in view of U.S Patent No. 6,061,691 to Fox, hereafter Fox.

This rejection is erroneous for the reason set forth above in the discussion of the rejection of independent claims 1 and 11 from which claims 3 and 14 depend. As noted above, Koreeda lacks step (e) of independent claims 1 and 11. Fox was cited for teaching pricing based on inventory and contains no teaching of step (e) of independent claims 1 and 11. Therefore, Fox does not supply the deficiency of Koreeda.

For the reason set forth above, it is submitted that the rejection of claims 3 and 14 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

The Office Action rejects claims 4, 5, 10, 13, 15 and 16 under 35 U.S.C 103(a) as unpatentable over Koreeda in view of Fox, and further in view of U.S Patent No. 6,101,485 to Fortenberry, hereafter Fortenberry.

This rejection is erroneous for the reason set forth above in the discussion of the rejection of independent claims 1 and 11 from which claims 4, 5, 10, 13, 15 and 16 depend. As noted above, Koreeda lacks step (e) of independent claims 1 and 11. Fox was cited for teaching pricing based on inventory and contains no teaching of step (e) of independent claims 1 and 11. Fortenberry was cited for teaching information concerning previously selected options of the consumer, information concerning stores where the consumer has previously purchased goods/services and the establishment of a correlation. Therefore, Fox and/or Fortenberry do not supply the deficiency of Koreeda.

Additionally, the Examiner admits that the Koreeda and Fox combination does not disclose "tracking customer purchases and performing appropriate targeting". The Examiner alleges that Fortenberry supplies the deficiency of the Koreeda and Fox combination.

The Examiner has misstated the deficiency of the Koreeda and Fox combination. Claims 4, 5, 15 and 16 qualify the "other data" recited in respective claims 3 and 14, which is used in the step (a) determination of fixed price options. Claims 10 and 13 establish a correlation that step (a) uses to determine additional options. The deficiency of the Koreeda and Fox combination should additionally include the usage made by step (a).

The Examiner relies on column 4, lines 11 through 25, of Fortenberry as supporting his alleged deficiency of the Koreeda and Fox combination. However, Fortenberry's column 4, lines 11 through 25, merely discloses e-fliers that collect marketing data concerning consumer behavior, but does not disclose or teach the use of such data in determining price options as recited in claims 4, 5, 15 and

16. Moreover, Fortenberry's column 4, lines 11 through 25 does not disclose or teach the establishing of a correlation between the plurality of options and one or more purchase transactions that use the plurality of options and wherein step (a) determines additional options based on the correlation, as recited in claims 10 and 13.

For the reasons set forth above, it is submitted that the rejection of claims 4, 5, 10, 13, 15 and 16 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

The Office Action rejects claims 6 and 17 under 35 U.S.C 103(a) as unpatentable over Koreeda in view of Fox and further in view of U.S Patent No. 6,236,977 to Verba, hereafter Verba.

This rejection is erroneous for the reason set forth above in the discussion of the rejection of independent claims 1 and 11 from which claims 4, 5, 10, 13, 15 and 16 depend. As noted above, Koreeda lacks step (e) of independent claims 1 and 11. Fox was cited for teaching pricing based on inventory and contains no teaching of step (e) of independent claims 1 and 11. Verba was cited for teaching that the other data includes marketing goals of the stores. Therefore, Fox and/or Verba do not supply the deficiency of Koreeda.

Additionally, the Examiner admits that the Koreeda and Fox combination does not disclose "That said other data includes marketing goals of said plurality of stores". The Examiner alleges that Verba supplies the deficiency of the Koreeda and Fox combination.

The Examiner has misstated the deficiency of the Koreeda and Fox combination. Claims 6 and 17 qualify the "other data" recited in respective claims 3 and 14, which is used in the step (a) determination of fixed price

options. The deficiency of the Koreeda and Fox combination should additionally include the usage made by step (a).

The Examiner relies on column 3, lines 53 through 57, of Verba as supporting his alleged deficiency of the Koreeda and Fox combination. However, Verba's column 3, lines 53 through 57, merely refers to carrying over leads from one day to the next in an optimization engine, but does not disclose or teach the use of such data in determining price options as recited in claims 6 and 17.

For the reasons set forth above, it is submitted that the rejection of claims 6 and 17 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

The Office Action rejects claims 9 and 19 under 35 U.S.C 103(a) as unpatentable over Koreeda in view of Verba.

This rejection is erroneous for the reason set forth above in the discussion of the rejection of independent claims 1 and 11 from which claims 9 and 19 depend. As noted above, Koreeda lacks step (e) of independent claims 1 and 11. Verba was cited for teaching a supplier as the seller and contains no teaching of step (e) of independent claims 1 and 11. Therefore, Verba does not supply the deficiency of Koreeda.

For the reason set forth above, it is submitted that the rejection of claims 9 and 19 under 35 U.S.C. 103(a) is erroneous and should be withdrawn.

The Office Action cites a number of patents that were not applied in the rejections of the claims. These patents have been reviewed, but are believed to be inapplicable to the claims.

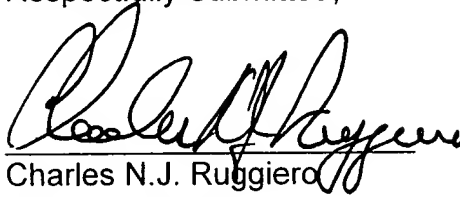
It is respectfully requested for the reasons set forth above that the objection to claim 12 be withdrawn, that the rejections under 35 U.S.C. 103(a) be



withdrawn, that claims 1 and 3 through be allowed and that this application be passed to issue.

Respectfully Submitted,

Date: Dec. 7, 2009

A handwritten signature in black ink, appearing to read "Charles N.J. Ruggiero", written over a horizontal line.

Charles N.J. Ruggiero  
Reg. No. 28,468  
Attorney for Applicants  
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.  
One Landmark Square, 10<sup>th</sup> Floor  
Stamford, CT 06901-2682  
(203) 327-4500

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): Pisano, et al.

Serial No.: 09/921,117

For: METHOD AND SYSTEM OF USING AN ELECTRONIC  
NETWORK TO PROVIDE OPTIONS TO PURCHASE  
GOODS OR SERVICES THROUGH A RETAILER

Filed: August 2, 2001

Examiner: A.D. Duran

Art Unit: 3622

Confirmation No.: 7072

Customer No.: 27,623

Attorney Docket No.: 2106.002USU

**Mail Stop Amendment**  
**COMMISSIONER FOR PATENTS**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Dear Sir:

**AMENDMENT TRANSMITTAL**

We are enclosing an Amendment in response to the communication dated July 7, 2004 in the above-identified application.

Petition for extension of time pursuant to 37 C.F.R. §§ 1.136 and 1.137 is hereby made if, and to the extent, required. The fee for this extension of time is calculated to be \$ 430.00 to extend the time for filing this response until February 7, 2004.

The fee for any change in number of claims has been calculated as shown below.

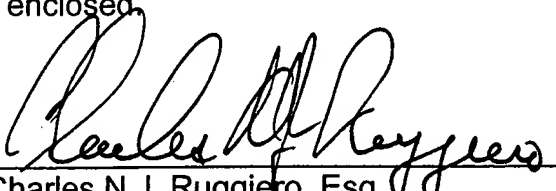
CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest Number Previously Paid	Present Extra	Rate	
Total Claims	19	Minus	20	0	x \$18.00	\$
Independent Claims	3	Minus	3	0	x \$88.00	\$
MULTIPLE DEPENDENT CLAIM FEE				x \$300.00 = \$		
TOTAL FEE FOR CLAIM CHANGES				\$0.00		
1/2 FILING FEE FOR SMALL ENTITY				\$N/A		

The total fee for this amendment, including claim changes and any extension of time is calculated to be \$ 430.00.

X A check in the amount of \$ 430.00 (extension of time) is attached.

X The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§1.16 and 1.17 which may be required with this communication or during the entire pendency of the application, or credit any overpayment, to **Deposit Account No. 01-0467**. A duplicate copy of this Form is enclosed.

December 7, 2004  
Date

  
Charles N.J. Ruggiero, Esq.  
Attorney for Applicant(s)  
Registration No. 28,468  
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.  
One Landmark Square, 10<sup>th</sup> Floor  
Stamford, CT 06901-2682  
Telephone: (203) 327-4500  
Telefax: (203) 327-6401

**CERTIFICATE OF MAILING**

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE U.S. POSTAL SERVICE AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON December 7, 2004.

Lesley-Jean Hill  
NAME

  
SIGNATURE

December 7, 2004  
DATE

13864

**OHLANDT, GREELEY, RUGGIERO AND PERLE**

ONE LANDMARK SQUARE, 10TH FLOOR  
STAMFORD, CT 06901-2682

MERRILL LYNCH  
BANK ONE, NA  
COLUMBUS, OHIO 43271  
25-80-440

12/7/2004

PAY TO THE ORDER OF Commissioner of Patents & Trademark

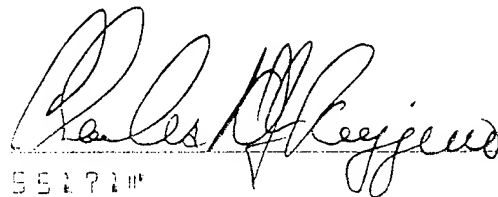
\$ \*\*430.00

Four Hundred Thirty and 00/100\*\*\*\*\*

DOLLARS

MEMO

2106.002USU B/N # 2106.001



⑈015554⑈ ⑈044000804⑈ 041162155171⑈

OHLANDT, GREELEY, RUGGIERO AND PERLE

Commissioner of Patents & Trademark  
170 - D. - From Partner - CNR

2106.002USU B/N # 2106.001

12/7/2004

13864

430.00

Cash - Merrill Lynch C 2106.002USU B/N # 2106.001

430.00

Details on back  
Security Features Included.

Application S.N./:

09/921,113

Filed:

August 2, 2001

Attorney Docket No.:

2106.002 USU

## RECEIPT OF TRANSMITTED DOCUMENTS

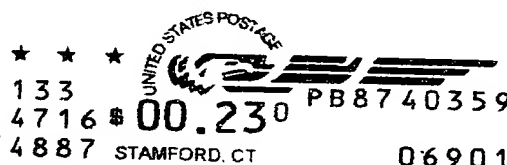
**U.S.P.T.O. MAIL ROOM:** Please place the Mail Room Date Stamp on this card to indicate receipt by the U.S. PTO of the paper(s) identified below and return card to sender.

## TYPE OF PAPER:

☒ Amendment☐ Issue/Pub. Fee☐ Certified Copy☐ Preliminary Amendment☐ Petition☐ Rule 53(d) Cont. (CPA)☐ Other:☐ Brief☐ Priority Document☐ Terminal Disclaimer☐ Declaration☐ Missing Parts☐ Maintenance Fee☐ Formal Drawings☐ Request for Recon.☐ Certificate of Correction☐ 132 Declaration☐ Assignment w/rec. Cover Sheet☐ Appeal Board's Decision☐ Notice of Appeal☐ References (IDS)/PTO 1449☒ Reg. for Ext. of Time☒ Transmittal Letter (in duplicate)

A check in the amount of \$ 430.00 (# 13864) is also attached hereto.

Mailed

Dec 7, 2004 ☒ COM ☐ COEM # \_\_\_\_\_

Place  
Stamp  
Here

Ohlandt, Greeley, Ruggiero & Perle, L.L.P.  
One Landmark Square, 10th Floor  
Stamford, Connecticut 06901-2682



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: Pisano et al.

Serial No.: 09/921,117

For: METHOD AND SYSTEM OF USING AN ELECTRONIC  
NETWORK TO PROVIDE OPTIONS TO PURCHASE GOODS  
OR SERVICES THROUGH A RETAILER

Filed: August 2, 2001

Examiner: Duran, A. D.

Art Unit: 3622

Confirmation No.: 7072

Customer No.: 27623 Attorney Docket No.: 2106.002USU

**STATEMENT OF JOANNE A. ROMANIELLO UNDER 37 CFR 8**  
**ACCOMPANYING PETITION UNDER 37 CFR 1.81 TO WITHDRAW HOLDING**  
**OF ABANDONMENT**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Joanne A. Romaniello, make the following statement based on my personal knowledge information.

I have been employed by the firm of Ohlandt, Greeley, Ruggiero & Perle in the position of Head Paralegal from December 4, 1995 to the present. My duties include overseeing the docketing activity of the firm as well as entering the dates that actions are taken into the firm's computer based docketing system. On February 3, 2006, I caused the Docket Sheet for the above noted patent

application, which is identified as document 5 in the accompanying petition, to be printed.

The Action(s) Due column lists actions that are due for the above noted patent application. The Due Date column lists the due dates for each of the actions listed in the Action(s) Due column. The Action Taken column lists the dates that the actions were taken. These action taken dates are entered on the same date the action is taken or the next business day.

The action entry "REP TO OA + 2 MO FEE" in the Action(s) Due column represents that a response is due for an Office Action with a two (2) months extension fee on December 7, 2004 (Due Date column) and that the action (the response) was taken (filed) on December 7, 2004 (Action Taken column). The action taken date is the mailing date of the response, either by mail certification or Express Mail. In this case, the Response is an Amendment mailed with a Certificate of Mailing (documents 1 and 2 of the accompanying petition).

I entered on the Docket Sheet the action taken date of December 7, 2004 on either December 7, 2004 or December 8, 2004.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Subscribed this 16<sup>th</sup> day of February, 2006.

  
\_\_\_\_\_  
Joanne A. Romaniello

Check #: Date Cleared: Amount:

13864 12/15/2004 430

<b>OHLANDT, GREELEY, RUGGIERO AND PERLE</b> ONE LANDMARK SQUARE, 18TH FLOOR STAMFORD, CT 06901-2282		<b>MERRILL LYNCH</b> BANK ONE, NA COLUMBUS, OHIO 43271 25-60-440	<b>13864</b>
PAY TO THE ORDER OF Commissioner of Patents & Trademark		12/7/2004	
Four Hundred Thirty and 00/100*****		\$ **430.00	
		DOLLARS	
MEMO 2106.002USU B/N # 2106.001			
⑈013864⑈ ⑈041000804⑈ 041162155171⑈		⑈0000043000⑈	

*Robert M. Ruggiero*

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0440-5603-4  
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ENT-2681 TRC=2026 PK=04

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FBI, IN CHARGE  
7415284057

UNITED STATES  
DEPARTMENT OF  
TREASURY  
FOR DEPOSIT IN THE  
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## Country Application

Friday, February 03, 2006

**Case Number:** 2106.002

**Country:** US

**SubCase:** U

**Client:** Dynamic Marketing Corp.

United States of America

**Client Reference #:**

**Case Type:** ORD

**Application Status:** Abandoned

**Attorney(s):** CNR RRH

MFP JAR

**Title:** METHOD AND SYSTEM OF USING AN ELECTRONIC NETWORK T

**Application Number:** 09/921117

**Filing Date:** 02-Aug-2001

**Area(s):**

**Patent Number:**

**Issue Date:**

WO

**Publication Number:** 0046113-A1

**Publication Date:** 18-Apr-2002

**Priority Number:** 60/223220

**Priority Date:** 04-Aug-2000

**Tax Schedule:** SE

**Expiration Date:**

**Tax Start Date:**

**Agent:**

**Agent Reference #:**

**Contact Person:**

### List Of Actions

Action(s) Due	Due Date		Action Taken
I.D.S. DUE	02-Nov-2001	Due Date	02-Aug-2001
REC'D FILING RECEIPT?	02-Nov-2001	Reminder	17-Sep-2001
LTR TO CLT RE: OA	05-Aug-2004	Due Date	04-Aug-2004
F/U CLT REPLY RE: OA*	30-Sep-2004	Reminder	06-Oct-2004
RESP TO OA + 2 MO FEE (RRH,LJH	07-Dec-2004	Due Date	07-Dec-2004
F/U STATUS	07-Feb-2006	Due Date	

**Remarks:** - Missing Parts filed with application papers.  
EFS CONFIRMATION NO. 7072  
Rec'd Notice of Abandonment 1/11/06

**User ID:** ARETHA

**Date Created:** 02-Aug-2001

**Last Update:** 12-Jan-2006

U.S. Serial No. 09/921,117  
Petition Under 37 CFR 181 and 8  
Attorney Docket No. 21006.002USU



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Application S.N.: 09/921,117 Filed: August 2, 2001  
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09/921,117

Method and system of using an electronic network to purchase goods or services through a retailer

Application Data	Transaction History	Image File Wrapper	Continuity Data	Published Documents	Publication Dates
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Date	Content
01-09-2006	Mail Abandonment for Failure to Res
01-05-2006	Abandonment for Failure to Res
10-05-2005	IFW TSS Processing by Tech
12-10-2004	Workflow incoming amendment
07-07-2004	Mail Non-Final Rejection
06-30-2004	Non-Final Rejection
08-12-2003	Case Docketed to Examiner in
04-23-2002	Case Docketed to Examiner in
08-02-2001	Information Disclosure Statem
12-03-2001	Case Docketed to Examiner in
09-10-2001	Application Dispatched from
09-07-2001	Correspondence Address Chang
08-10-2001	IFW Scan & PACR Auto Secur
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